

GP 3309

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Charles J. Winslow et al.

Examiner: Julian W. Woo

Serial No.: 08/889,661

Group Art Unit: 3309

Filed: July 8, 1997

Docket: 203-1782 CON (1791 CON)

For: OPEN POSTERIOR LUMBAR
FUSION CAGE INSERTION SET

Dated: October 17, 1997

Assistant Commissioner
for Patents
Washington, D.C. 20231

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GROUP 330

Sir:

Pursuant to Applicants' continuing duty of disclosure, it is respectfully requested that the references cited in the annexed Form PTO-1449 be considered by the Examiner and made of record in the above-identified application.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that these disclosures are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, it will assist in identifying fields of search and in making as full and complete a search as possible.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231 on October 17, 1997.

Dated: October 17, 1997

Joseph W. Schmidt

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The references cited in this Information Disclosure Statement (IDS) were cited in an European Search Report mailed by the European Patent Office (EPO) in connection with counterpart European Application No. 97104277. A copy of the Search Report is enclosed herewith.

Pursuant to 37 C.F.R. §1.98(a)(3), a concise explanation of the non-English publications is as follows:

DE 43 28 690 appears to relate to surgical implements such as a guide instrument having guide rails which are introduced into a gap between adjacent vertebrae. DE 43 28 690 corresponds to U.S. Patent No. 5,571,109, a copy of which is provided and also cited herein.

FR 2706309 appears to relate to a surgical implement insertable between adjacent vertebrae as depicted in Fig. 5 of the '309 publication.

Also cited in the Search Report is U.S. Patent No. 5,484,437 to Michelson. The Michelson '437 patent is already of record in this application.

The filing of this Information Disclosure Statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

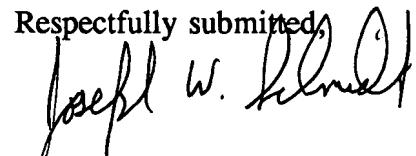
To the best of Applicants' knowledge, this Information Disclosure Statement is being filed before the date of mailing of a first Office Action in connection with this case.

The claims of the subject application are believed to distinguish over the art of record and to be in condition for allowance. Accordingly, early and favorable consideration of the case is respectfully requested.

CERTIFICATION UNDER 37 C.F.R. §1.97(e)(1)

I hereby certify that the item of information contained in the accompanying Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

Respectfully submitted,



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